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5

States begin to adopt enforceable PFAS standards

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States are pushing ahead on setting enforceable standards and bringing enforcement actions to address drinking water and groundwater contamination from per- and polyfluoroalkyl substances (PFAS), responding to communities' urgent calls for controlling contamination and to the sparse action EPA has taken so far.

Michigan Gov. Gretchen Whitmer (D) announced March 26 that the state -- which has long pushed for EPA to set national drinking water standards for PFAS -- will propose draft enforceable drinking water standards, or maximum contaminant levels (MCLs), by Oct. 1, adopting an accelerated schedule as communities urge action.

"Michigan has long advocated that the federal government establish national standards to protect the nation's water from PFAS contamination, but we can no longer wait for the Trump Administration to act," Whitmer said in a March 26 press release.

PFAS, which have been linked to adverse health effects, include thousands of chemicals, some of which have been widely used for their non-stick properties.

But despite widespread contamination, EPA has been slow to craft enforceable regulatory standards. The agency has said it is continuing to contemplate drinking water standards for two of the most prevalent PFAS -- which have been found in firefighting foams released during training and fires by the military into the environment in Michigan and other states across the country.

To address this, Whitmer is calling for a state science advisory workgroup to review existing and proposed health-based drinking water standards from around the country, including recommendations from environmentalists and the Agency for Toxic Substances & Disease Registry, to inform the state's rulemaking MCL process, according to a state environment department spokesman.

The workgroup is required to suggest public health goals for PFAS in drinking water by July 1, he says. Following that, the Michigan Department of Environmental Quality will propose draft MCLs with input from stakeholders by Oct. 1, he says.

The state's announcement comes not long after Massachusetts and Vermont unveiled plans to regulate several PFAS.

In late January, the Vermont Agency of Natural Resources proposed adopting the state's drinking water health advisories of 20 parts per trillion -- one of the most stringent levels in the country -- for five PFAS as enforceable MCLs.

Much like Michigan, Vermont officials said they are tired of waiting for EPA. “We had been hoping the federal government would move forward with a maximum contamination level,” Peter Walke, deputy secretary of Vermont Agency of Natural Resources, said [earlier this year](#). “They don’t appear to be moving in that direction, at least not at the speed we’d like them to,” he added.

And Massachusetts recently announced it plans to regulate five PFAS in drinking water -- responding to a petition from the Conservation Law Foundation to New England states urging them to adopt a 1 ppt standards for PFAS.

[New Hampshire](#) and New York officials are also moving ahead with developing enforceable standards for drinking water.

In addition, New Jersey, which is viewed as one of the leading states to regulate and research PFAS, earlier this month unveiled a first-time [groundwater standard](#) for PFAS.

State officials this week also issued a [first-time enforcement directive](#) requiring five major chemical companies to give the state data on uses and releases of PFAS and to cover any past and future monitoring, cleanup and other costs.

In addition, New Jersey Attorney General Gurbir S. Grewal and environment commissioner Catherine R. McCabe announced March 27 that they have filed [natural resource damage lawsuits](#) against DuPont, Chemours and 3M for claims related to PFAS contamination.

In a press release on the directive, McCabe said, “Now is the time for action at the state level.” She added, “The current EPA plan leaves millions of Americans exposed to harmful chemicals for too long by choosing a drawn-out process that will delay establishing a federal maximum contaminant level for PFAS.”